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- - -
PHILADELPHIA GAS COMMISSION
- - -
THE PHILADELPHIA GAS WORKS'
FY 2024 CAPITAL BUDGET
- - -
Tuesday, April 25, 2023
10:15 a.m.

- - -
VIA ZOOM VIDEOCONFERENCING
- - -

BEFORE: ROYAL E. BROWN, Acting Chairman
EVAN URBANIA
MICHAEL DRISCOLL
Commissioners

- - -
VERITEXT LEGAL SOLUTIONS
MID-ATLANTIC DIVISION
1801 Market Street - Suite 1800
Philadelphia, Pennsylvania 19103

Page 2

1 APPEARANCES:
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7 Counsel to Philadelphia Gas Commission
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10 Counsel to Philadelphia Gas Works
11 COMMUNITY LEGAL SERVICES, INC.
12 BY: ROBERT W. BALLENGER, ESQ.
13 Counsel to Public Advocate
14 EARTHJUSTICE
15 BY: DEVIN McDOUGALL, ESQ.
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23 HEIDI L. WUSHINSKE, ESQ.
24 Hearing Examiner
25 ROSLYN BELL, ESQ.
26 Hearing Examiner
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28 ANNA M. CORRADO ROWE
29 Senior Analyst
30 TIMOTHY MURTHA
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35 WILLIAM J. GALLAGHER
36 Vice President, Budget and Strategic
37 Development
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1 PRESENT ON BEHALF OF THE PUBLIC: (Continued)
2
3 LIAM SACINO
4
5 LINNEA BOND
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7 MITCH CHANIN, Reclaim Philadelphia
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9 NADINE YOUNG
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11 PAMELA DARVILLE, POWER Interfaith
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13 PATRICIA LIBBEY
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15 PETER FURCHT
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17 RUSSELL HICKS, POWER CJJ
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19 STEVE GREENSPAN, POWER CJJ
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21 SUSAN SUNHEE VOLZ, Clean Air Council
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23 WALTER TSOU, M.D., Physicians for Social
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16 PRESENT ON BEHALF OF GAS WORKS EMPLOYEES' UNION:
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18 MIKE McDONOUGH
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20 PRESENT ON BEHALF OF THE PUBLIC:
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22 ELAINE FULTZ
23 EMILY DAVIS, Sierra Club
24 HARVEY CHANIN
25 JACKSON HART
26 JAMIR HUBBARD
27 JAN CHANIN
28 JORDAN TEICHER, Philly DSA
29 JULIE GREENBERG
30 KAREN MELTON
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1 ACTING CHAIRMAN BROWN: The second
2 item on the agenda is PGW's proposed fiscal
3 year 2024 Capital Budget and Amendments
4 thereto, Forecast of Capital Budgets for
5 fiscal years 2025 to 2029, and related
6 matters.
7 Section 4.2.b. of the City-PFMC
8 Management Agreement requires PFMC to
9 prepare an annual capital budget which must
10 be satisfactory to the Gas Commission and
11 include a funding plan. Under that same
12 section we must review PGW's capital budget
13 proposals and submit our recommendations to
14 City Council.
15 Section IV.2.c. provides that PGW
16 must spend in accordance with approved
17 budgets. These and other applicable legal
18 and governance standards are detailed in the
19 Recommended Decision.
20 The procedural history of this matter
21 prior to issuance of the Recommended
22 Decision is detailed in that document, but I
23 will briefly summarize the highlights.
24 On January 3rd, 2023, PGW filed a

<p style="text-align: right;">Page 6</p> <p>1 proposed FY 2024 capital budget and related 2 forecast together with testimony and a 3 supporting PFMC Board Resolution and various 4 supporting schedules and departmental 5 budgets. 6 Formal and informal discovery took 7 place. Informational discovery ("ID") 8 meetings were held virtually on January 31st 9 and February 14th. The Public Advocate and 10 POWER Interfaith witnesses filed witness 11 testimony on February 28th. A public 12 hearing was held on March 7th. 13 PGW, the Advocate, and POWER filed 14 their respective briefs on March 17th, which 15 will be marked respectively as Gas Works 16 Exhibit #1, Public Advocate Exhibit #1, and 17 POWER Exhibit #1. 18 --- 19 (Whereupon the documents were marked 20 for identification purposes as PGW Exhibit 21 #1, PA Exhibit #1, and POWER Exhibit #1.) 22 --- 23 ACTING CHAIRMAN BROWN: On 24 March 31st, Executive Director Gemela</p>	<p style="text-align: right;">Page 8</p> <p>1 the Public Advocate filed reply 2 comments/exceptions to the Recommended 3 Decision, which will be marked as Public 4 Advocate Exhibit #3. 5 --- 6 (Whereupon the document was marked 7 for identification purposes as PA Exhibit 8 #3.) 9 --- 10 ACTING CHAIRMAN BROWN: To facilitate 11 our preparation for today's meeting, 12 Commission Staff developed a Briefing Guide. 13 This document outlines the Hearing 14 Examiners' recommended budget adjustments 15 and other recommendations. 16 A draft of this document was shared 17 with the participants. A technical 18 correction offered by the Public Advocate 19 has been incorporated into the final version 20 of the Briefing Guide, which will be marked 21 as Gas Commission Exhibit #3. 22 --- 23 (Whereupon the document was marked 24 for identification purposes as PGC Exhibit</p>
<p style="text-align: right;">Page 7</p> <p>1 McClendon and Hearing Examiners Heidi 2 Wushinske and Roslyn Bell issued a 3 Recommended Decision. They recommended 4 various line item adjustments and reporting 5 and filing requirements. The Recommended 6 Decision will be marked as Gas Commission 7 Exhibit #2. 8 --- 9 (Whereupon the document was marked 10 for identification purposes as PGC Exhibit 11 #2.) 12 --- 13 ACTING CHAIRMAN BROWN: On April 6th 14 PGW, the Public Advocate, and POWER filed 15 exceptions and/or comments to the 16 Recommended Decision which will be marked 17 respectively as Gas Works Exhibit #2, Public 18 Advocate Exhibit #2, and POWER Exhibit #2. 19 --- 20 (Whereupon the documents were marked 21 for identification purposes as PGW Exhibit 22 #2, PA Exhibit #2, and POWER Exhibit #2.) 23 --- 24 ACTING CHAIRMAN BROWN: On April 14th</p>	<p style="text-align: right;">Page 9</p> <p>1 #3.) 2 --- 3 ACTING CHAIRMAN BROWN: I would like 4 to ask Ms. McClendon to provide an overview 5 of the recommended budget and the issue 6 areas still in dispute. 7 Ms. McClendon. 8 EXEC. DIR. McCLENDON: Thank you. 9 First I would like to thank everyone 10 for their hard work and participation, 11 Commission Staff, PGW, the Public Advocate, 12 and the representatives of POWER Interfaith. 13 After Commission Staff's full and 14 complete review of the record, Commission 15 Staff has recommended that the FY '24 16 capital budget of \$192.4 million be adopted 17 by this Commission. 18 Of that amount, \$158.9 million would 19 have immediate spending authority and 20 \$33.4 million would be released upon PGW 21 satisfying certain conditions for the 22 release of this amount. 23 This recommended budget represents a 24 9.4% reduction from PGW's originally</p>

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1 proposed \$212.4 million budget.
 2 The issue areas that remain in
 3 dispute relate to the funding status of
 4 proposed replacement heaters at the Richmond
 5 Plant as well as the issue of reporting on
 6 NPAs as well as the status of PGW's proposed
 7 renovations to the South Operations Center.
 8 That concludes my remarks at this
 9 time.
 10 ACTING CHAIRMAN BROWN: Thank you,
 11 Ms. McClendon.
 12 Hold on for a second.
 13 Although the parties have clearly set
 14 forth their positions in their written
 15 submissions, we would like to provide them
 16 with the opportunity to make a brief comment
 17 if they wish to do so.
 18 First we will hear from PGW and
 19 Mr. Dasent.
 20 MR. DASENT: Good morning, Chairman
 21 Brown. Andre Dasent, for the record.
 22 We generally concur with the Staff's
 23 Recommended Decision in this case and wanted
 24 to sort of emphasize that at the outset.

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1 We did suggest clarification on
 2 additional funding for Hilco and the federal
 3 grant, PHMSA grant, but those technical
 4 corrections have already been made.
 5 We also suggested as a clarification
 6 that any joint proposal between the Public
 7 Advocate and PGW with respect to the 1849
 8 Building power separation and specifically
 9 proceeds from any sale of facilities as the
 10 upshot of building consolidation, we offered
 11 that clarification, and I think that
 12 technical clarification was just for
 13 transparency as we move toward negotiating
 14 the exact wording for a proposal in that
 15 context.
 16 The major area of concern for PGW in
 17 this proceeding concerned the South
 18 Operations Center and the building
 19 consolidation project specifically. There
 20 we requested a \$24,733,000 revised estimate
 21 as a basis for that particular project.
 22 That project line item, incidentally, is
 23 72-01-2-09 and it's shown on Page 57 of the
 24 budget filing.

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1 We provided an estimate late in the
 2 proceeding and we would like to have it
 3 vetted on a fast track to make sure we
 4 realize the benefits of building
 5 consolidation at the earliest possible time.
 6 The Commission should recognize or
 7 recall that with building consolidation
 8 we'll have a smaller footprint at PGW, we'll
 9 have lower operating costs, and we'll have
 10 labor savings associated with 20 fewer
 11 full-time employees. And that was our
 12 estimate at the last time we discussed this.
 13 Well, we mention all of this because
 14 we need to realize those benefits sooner
 15 rather than later, and those benefits can be
 16 realized sooner rather than later with our
 17 recommendation of conditional funding in
 18 this particular context.
 19 The Public Advocate indicates we
 20 can't do that because there's no line item;
 21 but if you look at Page 57 of the budget
 22 filing, there is a line item and it is the
 23 project which was approved originally in
 24 2021: 72-01-2-09.

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1 We're asking that based upon that
 2 particular line item and with the caveat
 3 that we would provide a full budget, a
 4 cost/benefit analysis, a revised site plan,
 5 a timeline for completion, and
 6 identification of components to the project
 7 that have changed, along with any additional
 8 discovery and any interaction with the
 9 Commission or the parties with respect to
 10 our proposal and explaining it in detail,
 11 because we agree, a full record is needed.
 12 But we need it to have a fast track
 13 to make that happen and conditional funding
 14 as a practical matter was the fastest way to
 15 get there.
 16 Whatever you call it, whether it's a
 17 capital budget amendment that starts with
 18 the foundation of what we've already put
 19 together for the budget, that's another way
 20 to approach this.
 21 But we need to move as quickly as
 22 possible so we can realize benefits in
 23 fiscal '24. Those benefits will be delayed,
 24 we think, with a capital budget amendment

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1 just because it's not as clear a path.
 2 So we're hopeful, if you look at the
 3 protocols more closely, you'll see that
 4 there is a line item and therefore no bar to
 5 conditional funding.
 6 But whatever you call it, we would
 7 like to have this project vetted on a course
 8 in parallel with the operating budget so
 9 that we can move a little more quickly and
 10 with facility.
 11 We recognize that we have to provide
 12 the foundation for that, but nonetheless we
 13 didn't want there to be a roadblock to this
 14 happening because of administrative reasons
 15 that really don't have foundation in the
 16 Capital Budget Protocols.
 17 Sorry; I'm losing my voice.
 18 But that's the gist of our
 19 exceptions, and the major exception is the
 20 South Operations Center. The others are
 21 clarifications.
 22 With that, we ask the Commission to
 23 consider our exceptions, the major exception
 24 the South Operations Center, to get that

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1 project done sooner rather than later
 2 because a \$20 million project -- and
 3 recognize the 20 million was in the budget;
 4 the delta is the 4,733,000 -- we would like
 5 that vetted as soon as possible so that we
 6 can realize the benefits of building
 7 consolidation.
 8 That's all we have. Thank you.
 9 ACTING CHAIRMAN BROWN: Thank you,
 10 Mr. Dasent.
 11 Mr. Ballenger, are there any
 12 statements on behalf of the Advocate?
 13 MR. BALLENGER: Good morning,
 14 Chairman Brown and Commissioners. Thank you
 15 for the opportunity to make a brief
 16 statement on behalf of the Public Advocate.
 17 I appreciate the efforts of the
 18 Hearing Examiners and Commission Staff in
 19 getting to the point where we have very few
 20 issues or areas of disagreement. Likewise,
 21 I want to recognize the hard work of PGW and
 22 POWER Interfaith throughout this Capital
 23 Budget Proceeding.
 24 At this time I just want to focus on

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1 the South Operations Center and PGW's
 2 exception to the Hearing Examiners'
 3 recommendation.
 4 The Hearing Examiners recommended
 5 that budget authorization for this project
 6 be denied at this time but considered in a
 7 future budget proposal or amendment. I
 8 continue to support the Hearing Examiners'
 9 recommendation and for very practical
 10 reasons.
 11 This project wasn't properly
 12 presented in PGW's budget and requires more
 13 review. The Public Advocate is prepared to
 14 engage in that review once the project is
 15 properly submitted by way of an amendment or
 16 a future budget request.
 17 However, I do not believe that
 18 conditional funding, as suggested by PGW, is
 19 appropriate for the reasons set forth in our
 20 April 14th letter.
 21 Again, I want to thank you for the
 22 opportunity and I'm happy to answer any
 23 questions that you may have.
 24 ACTING CHAIRMAN BROWN: Thank you,

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1 Mr. Ballenger.
 2 Mr. McDougall, are there any
 3 statements on behalf of POWER?
 4 MR. McDOUGALL: Yes. Thank you.
 5 Good morning. Thank you for the
 6 opportunity to comment. We appreciate
 7 having the opportunity to be heard as to
 8 PGW's FY '24 capital budget.
 9 We had hoped to see more of our
 10 expert's recommendations implemented as we
 11 believe they are warranted.
 12 Notably, with regard to our expert's
 13 recommendation for PGW to have at least one
 14 stakeholder meeting regarding the potential
 15 for non-pipeline alternatives to save
 16 capital costs, we actually see this as more
 17 of an opportunity than a burden.
 18 We think that good things happen when
 19 we talk together and work together to solve
 20 the challenging problems that PGW is
 21 currently facing, including the need to
 22 protect affordability and avoid rate
 23 increases.
 24 So we do appreciate the opportunity

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1 to be heard and the hard work of all parties
 2 to this proceeding. Thank you.
 3 ACTING CHAIRMAN BROWN: Thank you,
 4 Mr. McDougall.
 5 Are there any comments or statements
 6 from any of the Commissioners?
 7 - - -
 8 (No response.)
 9 - - -
 10 ACTING CHAIRMAN BROWN: Okay. Hold
 11 on for a second.
 12 Okay. We appreciate all the
 13 participants who have made statements and
 14 are continuing to support this hearing as we
 15 move forward. We'll move further as we
 16 deliberate on PGW's budget.
 17 All of the identified exhibits will
 18 be entered into the record of this meeting.
 19 This matter is now before us for action. I
 20 call on Commissioner Urbania for a
 21 recommendation and motion.
 22 COMMISSIONER URBANIA: Thank you,
 23 Mr. Chairman.
 24 As this is a long motion, I just ask

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1 Ms. McClendon to raise your hand if my
 2 Internet goes out while I'm reading into the
 3 record as I begin.
 4 My Motion is set out in a written
 5 document with two appendices, and I ask that
 6 it be marked and entered into the record as
 7 Gas Commission Exhibit #4.
 8 - - -
 9 (Whereupon the document was marked
 10 for identification purposes as PGC Exhibit
 11 #4.)
 12 - - -
 13 COMMISSIONER URBANIA: A draft was
 14 circulated to Commissioners in advance of
 15 this meeting. This Motion was distributed
 16 to the parties electronically prior to the
 17 start of this meeting.
 18 The Recommended Decision suggested
 19 line item adjustments, reporting
 20 requirements, and several other actions. I
 21 would like to thank Commission Staff and the
 22 parties for their work to narrow the issues
 23 in dispute.
 24 To summarize, PGW's initial budget

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1 request was \$212.432 million. In the
 2 March 31st Recommended Decision, the Hearing
 3 Examiners recommended \$20 million in
 4 downward adjustments to PGW's proposed
 5 budget. This is discussed in greater detail
 6 in my written Motion.
 7 PGW, the Public Advocate, and POWER
 8 filed comments and/or exceptions to the
 9 Recommended Decision.
 10 After reviewing the Recommended
 11 Decision and the filed exceptions, I am
 12 persuaded that we should adopt the
 13 Recommended Decision in part, with
 14 modifications outlined in the Motion.
 15 I move that we dispose of the
 16 exceptions and reply exceptions filed by the
 17 participants as follows:
 18 1. Hilco Project.
 19 PGW filed exception noting that the
 20 Hilco project was inadvertently omitted from
 21 the list of adjustments agreed upon by the
 22 parties and should be included in the final
 23 PGW decision.
 24 PGW explains that the \$400,000

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1 budgeted for the project (identified under
 2 the heading Additional Large New Business)
 3 consists of \$250,000 for Hilco South Phase 2
 4 and \$150,000 for Hilco North Phase 2.
 5 PGW further states that the
 6 participants have agreed to conditional
 7 funding for this expenditure subject to 1)
 8 confirmation that the total expenditure for
 9 the Hilco project in the fiscal year 2024
 10 Capital Budget is confirmed in the amount
 11 shown above and 2) application of the same
 12 conditions for release as used in the fiscal
 13 year 2023 Capital Budget Proceeding.
 14 In its reply exceptions the Public
 15 Advocate concurs with PGW's recommendations.
 16 I support the recommendation made by
 17 PGW and endorsed by the Advocate. I note
 18 that in the fiscal year 2023 Capital Budget
 19 Proceeding release of funds was conditioned
 20 on PGW certifying to the Commission that it
 21 has received all necessary documentation, an
 22 executed contract, and a deposit.
 23 I move that the Hilco project be
 24 approved as conditional funding subject to

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1 these same conditions.
 2 2. PHMSA Grant.
 3 In its exceptions PGW points out the
 4 grant from the U.S. Pipeline and Hazardous
 5 Materials Safety Administration ("PHMSA")
 6 was also inadvertently omitted from the list
 7 of adjustments agreed upon by the
 8 participants to this proceeding.
 9 PGW states that the \$25 million line
 10 item Natural Gas Distribution Infrastructure
 11 and Safety Modernization (#52-21-2-04) will
 12 be funded by a PHMSA grant. Another line
 13 item (#73-01-1-03) relates to vehicles to
 14 support main replacement and is tied to the
 15 Natural Gas Distribution Infrastructure and
 16 Safety Modernization line item.
 17 This \$415,000 line item includes five
 18 pickup trucks and one crew truck with one
 19 compressor. PGW states that these projects
 20 are to be authorized as conditional funding,
 21 per agreement of the participants, and will
 22 only proceed once the PHMSA grant is
 23 authorized. PGW will notify this Commission
 24 if it receives the PHMSA grant.

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1 The Public Advocate mirrors PGW's
 2 explanation and adds that the stipulation
 3 also include a provision limiting the
 4 project to the funds received from PHMSA,
 5 the final amount of which is currently
 6 unknown.
 7 As the Advocate explains, this
 8 limitation protects ratepayers by ensuring
 9 that expenditures cannot be made from other
 10 capital funds, contrary to PGW's intentions.
 11 In its reply exceptions the Public
 12 Advocate expresses its agreement with PGW's
 13 exception on this issue.
 14 I support the recommendation made by
 15 PGW and the Advocate and move that the \$25
 16 million line item Natural Gas Distribution
 17 Infrastructure Safety and Modernization
 18 (#52-21-2-04) and related \$415,000 vehicle
 19 expenditures (#73-01-1-03) be approved as
 20 conditional funding subject to receipt of
 21 the PHMSA grant.
 22 I also move that this expenditure be
 23 limited to the amount received from PHMSA
 24 should it fail to fully fund PGW's request.

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1 3. South Operations Center-Building
 2 Consolidation.
 3 PGW excepts to Commission Staff's
 4 denial of its request for funding in the
 5 amount of \$24,733,000 for the South
 6 Operations Center and states that it
 7 requires authorization of this project in
 8 fiscal year 2024 to "realize the benefits of
 9 Building Consolidation."
 10 PGW states that these benefits
 11 include a smaller footprint, lower operating
 12 costs, and labor savings. PGW explains that
 13 this supplemental request will be treated as
 14 a new budget line item and is necessary
 15 because it has changed the scope of the
 16 project to address its current operational
 17 requirements and costs have increased
 18 because of the pandemic.
 19 While PGW agrees that a more
 20 extensive record is necessary, it requests
 21 that the project be vetted in fiscal year
 22 2024 based on the record created in this
 23 proceeding and agrees to provide additional
 24 documentation and responses to any

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1 discovery.
 2 Finally, PGW argues that if it had to
 3 pursue this project through a Capital Budget
 4 amendment, the project would be delayed
 5 beyond fiscal year 2024, which would defer
 6 the project's benefits.
 7 PGW proposes that the funding be
 8 authorized conditionally, to be released
 9 when PGW submits the above-listed
 10 documentation to the Gas Commission.
 11 In its reply exceptions the Public
 12 Advocate states that PGW's conditional
 13 funding proposal is not allowed under the
 14 Capital Program Protocols, Part I., Subpart
 15 C, which states that "[s]pending authority
 16 shall be linked to the line item in an
 17 approved capital budget."
 18 For this reason the Advocate argues
 19 that PGW's proposal must be denied.
 20 I agree with the Advocate. Approval
 21 of this project with conditional funding is
 22 not permitted under the Capital Program
 23 Protocols. I appreciate PGW's efforts to
 24 offer to provide additional information on

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1 this project. However, I note that this is
 2 the same information that would support a
 3 budget amendment.
 4 I also recognize PGW's concerns
 5 regarding the timing of the project, but
 6 find that this is not sufficient
 7 justification to authorize conditional
 8 funding in violation of the Capital Program
 9 Protocols.
 10 I further note that given PGW's
 11 readiness to provide the documentation
 12 listed above, it should be ready to file a
 13 budget amendment, which this Commission
 14 could vote on at our August meeting for
 15 presentation at City Council when it returns
 16 from its recess.
 17 This would allow the amendment to be
 18 approved for fiscal year 2024, which should
 19 not result in much (or any) delay in
 20 benefits associated with the project.
 21 For these reasons I move that PGW's
 22 exception be rejected.
 23 4. 1849 Building Power Separation.
 24 In its reply exceptions the Public

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1 Advocate expressed its support for
 2 conditional funding for the power separation
 3 project. PGW also filed a comment on
 4 Commission Staff's recommendation regarding
 5 the 1849 Building power separation.
 6 PGW stated that it accepts the
 7 Recommended Decision's finding that this
 8 project should be approved on a conditional
 9 funding basis and the condition for release
 10 of funding set forth in the Recommended
 11 Decision.
 12 PGW further stated that it does not
 13 except to Commission Staff's recommendation
 14 that the participants submit a joint
 15 proposal for recommendation by the
 16 Commission to City Council directing that
 17 any sales proceeds from the building
 18 consolidation project be used to benefit
 19 ratepayers.
 20 However, PGW clarified that the terms
 21 of the joint proposal must be in line with
 22 the legal requirements of the City of
 23 Philadelphia General Gas Works Revenue Bond
 24 Ordinance of 1998.

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1 I note that PGW's comments on this
 2 issue amount to clarification rather than
 3 exceptions or disagreement.
 4 Therefore, I find that Commission
 5 Staff's recommendation should be accepted,
 6 with PGW's additional proposed clarification
 7 regarding consistency with the 1998 General
 8 Ordinance.
 9 5. TSA Vessel Modification.
 10 In its exceptions POWER states that
 11 it doesn't oppose Commission Staff's
 12 recommendations regarding the TSA vessel
 13 modification project, but is concerned about
 14 the size of this proposed expenditure and
 15 the incompleteness of the record.
 16 POWER requests that we require PGW to
 17 present more complete and adequate
 18 substantiation, especially for such a large
 19 proposed expenditure, in the future.
 20 In its reply exceptions the Public
 21 Advocate concurs with POWER's
 22 recommendation, adding that an investigation
 23 should be undertaken prior to approval of
 24 capital expenditures.

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1 I agree with POWER and the Advocate
 2 that in the future PGW should present more
 3 complete project substantiation, including
 4 adequate investigation.
 5 Therefore, I move that this
 6 Commission direct PGW to provide complete
 7 project substantiation concurrently with its
 8 future budget filings.
 9 6. Richmond CHP Project.
 10 POWER excepts to Commission Staff's
 11 recommendation regarding replacement of two
 12 heaters (Undertank Heater and H-2 Boiloff
 13 Heater) at PGW's Richmond Plant.
 14 In the Recommended Decision
 15 Commission Staff recommended approval of
 16 half of the \$3.091 million, or
 17 \$1.545 million, requested by PGW be approved
 18 as immediate funding for the H-2 Boiloff
 19 Heater and the other \$1.545 million for the
 20 Undertank Heater be approved as conditional
 21 funding.
 22 Regarding the H-2 Boiloff Heater,
 23 POWER reiterates the arguments set forth in
 24 its brief and concludes that if the

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1 Commission approves replacement of the H-2
 2 Boiloff Heater, such replacement should be
 3 limited to \$1.05 million for an in-kind
 4 replacement.
 5 Regarding the Undertank Heater, POWER
 6 argues that this Commission should reject
 7 the Recommended Decision's finding that this
 8 project be approved as conditional funding
 9 subject to PGW providing an adequate
 10 cost-benefit or risk analysis.
 11 POWER alternatively argues that
 12 should this Commission agree with
 13 conditional funding approval for the
 14 Undertank Heater, it should limit PGW to
 15 \$1.05 million for an in-kind replacement.
 16 POWER further notes that, as stated
 17 in the Recommended Decision, PGW has stated
 18 that it is receptive to using conventional
 19 heaters to lower the project cost.
 20 Although it didn't file its own
 21 exception on this issue, in its reply
 22 exception the Public Advocate states that it
 23 supports POWER's exception.
 24 I agree with the Hearing Examiners'

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1 findings and am not persuaded by POWER's
 2 exceptions. I note that the Hearing
 3 Examiners found PGW's witness to be credible
 4 and gave weight to his testimony when making
 5 their recommendations. I agree with this
 6 analysis and determine that no new evidence
 7 has been provided that would warrant
 8 abandoning that finding.
 9 I also find that the Hearing
 10 Examiners analyzed the issue of heater type
 11 and made no recommendation on this
 12 particular issue, while noting that PGW was
 13 open to conventional heaters to lower costs.
 14 I agree with this approach and I
 15 therefore find that we should reject POWER's
 16 exception on this issue.
 17 7. Non-Pipeline Alternatives Report
 18 and Stakeholder Meeting.
 19 POWER excepts to the Hearing
 20 Examiners' finding that this Commission
 21 should not order PGW to produce a
 22 non-pipeline alternatives (NPAs) savings
 23 report and conduct stakeholder meetings on
 24 this issue.

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1 While the Hearing Examiners stated
 2 their appreciation for POWER's input on this
 3 issue, they ultimately declined to add to
 4 PGW's regulatory burden by requiring the
 5 requested report or stakeholder meetings.
 6 Instead, the Hearing Examiners urged
 7 PGW to voluntarily provide POWER with the
 8 NPA reports that it provides to other
 9 entities and to consider feedback from
 10 POWER's experts regarding these reports.
 11 In its exceptions POWER asserts that
 12 its proposal would be "more of an
 13 opportunity" than a burden. POWER
 14 alternatively argues that even if PGW is not
 15 required to produce a report on the
 16 possibility of NPA savings, it should be
 17 required to conduct at least one stakeholder
 18 meeting.
 19 Although it did not address this
 20 issue in its testimony, brief, or
 21 exceptions, the Public Advocate states in
 22 its reply exceptions that this Commission
 23 should support any and all potential cost
 24 savings measures, including NPAs as proposed

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1 by POWER.
 2 The Public Advocate further states
 3 that this Commission should reiterate its
 4 opposition to PGW rate increases and support
 5 of alternatives such as cost-cutting.
 6 I note that, as stated in the
 7 Recommended Decision, PGW already complies
 8 with City reporting and public engagement
 9 requirements.
 10 For these reasons, I agree with the
 11 Hearing Examiners and decline to impose
 12 additional reporting and public engagement
 13 requirements upon PGW.
 14 However, I support the Recommended
 15 Decision's finding that this Commission
 16 should urge PGW to voluntarily provide the
 17 NPA-related reports that it produces for
 18 other entities, such as the City and PUC, to
 19 POWER, and consider feedback from POWER's
 20 expert regarding these reports.
 21 I therefore move that we reject
 22 POWER's exception on this issue.
 23 I also agree with the Hearing
 24 Examiners, the Advocate, and POWER that it

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1 is important to keep capital costs as low as
 2 possible, particularly considering PGW's
 3 recently filed rate case.
 4 I agree with the Advocate in part
 5 regarding this Commission's historical
 6 endorsement of PGW's efforts to identify
 7 alternatives to unnecessarily increasing
 8 costs to PGW's ratepayers.
 9 However, these historical
 10 endorsements have not included mandating
 11 additional reports and meetings proposed by
 12 a third party.
 13 Accordingly, I move that we adopt the
 14 Recommended Decision as modified and:
 15 1. Direct PGW to submit within seven
 16 business days of the Commission meeting at
 17 which final action is taken on the proposed
 18 Budget the customary Compliance Capital
 19 Budget proposal and revised Capital
 20 Financing plan, reflecting the Budget
 21 adjustments endorsed by the Commission, as
 22 well as an appropriately revised Forecast of
 23 Capital Budgets.
 24 2. Instruct PGW to submit within

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1 seven business days of the Commission
 2 meeting at which final action is taken on
 3 the proposed Budget a revised Disadvantaged
 4 Business Enterprise Participation forecast
 5 that reflects the Commission-endorsed FY
 6 2024 Budget.
 7 3. Recommend that City Council adopt
 8 the current Capital Program Protocols in
 9 conjunction with its approval of the FY 2024
 10 Capital Budget.
 11 4. Recommend that Council
 12 acknowledge receipt of PGW's revised
 13 Forecast of Capital Budgets.
 14 5. Recommended that the following
 15 line items be approved on a conditional
 16 funding basis subject to the constraints
 17 enumerated in the Recommended Decision:
 18 1. Hilco (#52-20-1-01) \$400,000;
 19 2. Natural Gas Distribution
 20 Infrastructure and Safety Modernization
 21 (#52-21-2-04) \$25 million and related
 22 vehicle expenditures (#73-01-1-03) \$415,000;
 23 3. 1849 Building Power Separation
 24 (#72-01-1-04) \$332,000;

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1 4. Richmond CHP Heater (#53-02-2-05)
 2 \$332,000;
 3 5. TSA (#53-02-2-01) \$720,000.
 4 6. Direct PGW to file an updated DBE
 5 Forecast concurrent with the FY 2025 Capital
 6 Budget filing.
 7 7. Direct Commission Staff, PGW, and
 8 the Public Advocate to submit a joint
 9 proposal for recommendation by the
 10 Commission to City Council, to include the
 11 following: 1) that any net sales proceeds
 12 (or fair value, if conveyed other than at
 13 arm's length) be deposited in one or more
 14 unsegregated PGW accounts (to be used for
 15 purposes designated in the 1998 General
 16 Ordinance; and 2) that under no
 17 circumstances should PGW, and in turn its
 18 ratepayers, incur any costs related to the
 19 sale of PGW's properties should the City
 20 refuse to return net sales proceeds to PGW
 21 to benefit ratepayers.
 22 8. Direct PGW to track the building
 23 power separation costs attributable to each
 24 building (1800 or 1849).

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1 9. Direct PGW to provide complete
 2 project substantiation concurrently with its
 3 future budget filings.
 4 10. Take such other actions as are
 5 detailed in the written Motion.
 6 This concludes my Motion.
 7 On a personal note, I just want to
 8 thank everyone on the Commission Staff,
 9 POWER, PGW attorneys, and everyone on this
 10 call for their participation in resolving
 11 these challenging issues.
 12 Back to you, Mr. Chairman.
 13 ACTING CHAIRMAN BROWN: Thank
 14 you, Commissioner Urbania.
 15 Is there a second to the motion?
 16 COMMISSIONER DRISCOLL: Second.
 17 ACTING CHAIRMAN BROWN: Was that
 18 Commissioner Driscoll seconding?
 19 COMMISSIONER DRISCOLL: Yes.
 20 ACTING CHAIRMAN BROWN: Okay. It has
 21 been moved and properly seconded.
 22 Is there any further discussion?
 23 - - -
 24 (No response.)

1 ---

2 ACTING CHAIRMAN BROWN: All in favor

3 of the motion say "aye."

4 COMMISSIONER URBANIA: Aye.

5 COMMISSIONER DRISCOLL: Aye.

6 ACTING CHAIRMAN BROWN: Aye.

7 There is no opposition. The motion

8 carries.

9 ---

10 (Whereupon the motion was unanimously

11 carried.)

12 ---

13 Reported By: Susan Marie Migatz, RMR, CRR

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